

REMARKS

Original claims 1-13 have been cancelled in favor of new claims 14-28, which have been rewritten in more appropriate format for U.S. practice. Reconsideration of the application is respectfully requested in light of the foregoing amendments and the remarks that follow.

Original claims 1-6 and 9-13 were rejected under § 102(b) over Pasch, and original claims 7-8 were rejected under § 103(a) over Pasch taken in view of Moshizuki. These rejections have been rendered moot by cancellation of the original claims. Applicant respectfully submits that the newly presented claims are not properly rejectable over Pasch and/or Moshizuki.

Pasch's crossmember 1 (Figs. 1 and 2) does not have any area that is "widened," i.e., the metal frame member is linear and has a constant cross-section along its entire width. In addition, Pasch does not describe a generally C-shaped third portion as part of a widened area designed to at least partially surround an HVAC unit. Pipes 13 are not part of the basic body of the crossmember, but rather are part of the separately provided pipes that extend within the basic body. For this reason, Pasch does not anticipate newly presented independent claim 14, nor any of the other new claims that depend from claim 14.


Moshizuki does not remedy the basic deficiencies of Pasch, but rather was cited with respect to original claims 7-8, the subject matter of which is now found in new claims 19 and 20. Moshizuki appears to relate not to a crossmember, but only to a duct arrangement in which two ducts 3,4 are blow-molded to a third central duct 2. It is not evident how one would combine the two references or what would motivate a combination of those references. Thus, Moshizuki does not appear to teach either subject matter that would supply the deficiencies of Pasch, as noted above, or structure that meets or teaches the subject matter of claims 19 and/or 20. Accordingly, Applicant submits that there is no basis suggesting a combination of Pasch and Moshizuki, and that even if the references were to be combined, the combination would not produce the subject matter claimed in claims 14-28.

In view of the foregoing, Applicant believes that the present application is in condition for allowance. Should Examiner Kosanovic believe that a telephone discussion would be useful to resolve any minor matters of form or the like, Applicant's undersigned representative invites a telephone contact.

The Applicant believes no fee is due; however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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